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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TO

THE TWO HOUSES OF CONGRESS,

AT

THE COMMENCEMENT OF THE SECOND SESSION

OF

THE TWENTY-FIRST CONGRESS.

December 7, 1830.

Read, and committed to a Committee of the Whole House on the state of the Union.

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MESSAGE.

Fellow-Citizens of the Senate
and House of Representatives:

The pleasure I have in congratulating you on your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The beneficent Author of all good has granted to us, during the present year, health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to inevitable diversities in the various interests which enter into the composition of so extensive a whole, than to any want of attachment to the Union—interests whose collisions serve only, in the end, to foster the spirit of conciliation and patriotism, so essential to the preservation of that Union, which, I most devoutly hope, is destined to prove imperishable.

In the midst of these blessings, we have recently witnessed changes in the condition of other nations, which may, in their consequences, call for the utmost vigilance, wisdom, and unanimity in our councils; and the exercise of all the moderation and patriotism of our people.

The important modifications of their government, effected with so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country, without transcending, in the slightest degree, that salutary maxim of the illustrious Washington, which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising, in the most unlimited degree, the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions, and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy, with which they are administered; from such a people, the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by an heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely

love and justly admire has given to the world of the high character of the present King of the French, and which, if sustained to the end, will secure to him the proud appellation of Patriot King—it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs, have been fully realized in several important particulars.

An arrangement has been effected with Great Britain, in relation to the trade between the United States and her West India and North American colonies, which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion—and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies, or to exclude us from a participation therein, has never been denied by the United States. But we have contended, and with reason, that if, at any time, Great Britain may desire the productions of this country, as necessary to her colonies, they must be received upon principles of just reciprocity; and further, that it is making an invidious and unfriendly distinction, to open her colonial ports to the vessels of other nations, and close them against those of the United States.

Antecedently to 1794, a portion of our productions was admitted into the colonial islands of Great Britain, by particular concession, limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage; this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands, and theirs brought to us in return. From Newfoundland and her continental possessions, all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794, she offered to concede to us, for a limited time, the right of carrying to her West India possessions, in our vessels not exceeding seventy tons burden, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only; and, moreover, that they should, during the continuance of the privilege, be precluded from carrying molasses, sugar, coffee, cocoa, or cotton, either from those islands, or from the United States, to any other part of the world. Great Britain readily consented to expunge this article from the treaty; and subsequent attempts to arrange the terms of the trade, either by treaty stipulations or concerted legislation, having failed, it has been successively suspended and allowed, according to the varying legislation of the parties.

The following are the prominent points which have, in later years, separated the two Governments. Besides a restriction, whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States, it has been

contended, 1st. That the subject should be regulated by treaty stipulations, in preference to separate legislation: 2d. That our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country, or of her other colonial possessions; and, 3d. That our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been, for a long time, strenuously insisted upon by Great Britain, was given up by the act of Parliament of July, 1825; all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export; and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part, each of the above points had, in succession, been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the state of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood; and our commerce and navigation will enjoy, in the colonial ports of Great Britain, every privilege allowed to other nations.

That the prosperity of the country, so far as it depends on this trade, will be greatly promoted by the new arrangement, there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expense and inconvenience unavoidably incident to it, would have been insupportably onerous, had it not been, in a great degree, lightened by concerted evasions in the mode of making the transhipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives, not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only; and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. McLane has acted, together with the communications which had at that time passed between him and the British Government, was laid before you. Although there has not been any thing in the acts of the two Governments which requires secrecy, it was thought most proper, in the then state of the negotiation, to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received, the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects, and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded; and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as, I trust, the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which

our ports were, upon the reception and annunciation, by the President, of the required assurance on the part of Great Britain, forthwith opened to her vessels, before the arrangement could be carried into effect on her part; pursuing, in this act of prospective legislation, a similar course to that adopted by Great Britain, in abolishing, by her act of Parliament, in 1825, a restriction then existing, and permitting our vessels to clear from the colonies, on their return voyages, for any foreign country whatever, before British vessels had been relieved from the restriction imposed by our law, of returning directly from the United States to the colonies—a restriction which she required and expected that we should abolish. Upon each occasion, a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feelings, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been, throughout, characterised by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability, is a duty which I shall deem it a privilege to discharge.

Although the result is, itself, the best commentary on the services rendered to his country by our Minister at the court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black sea, and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed, have, for a long time, been a source of much solicitude to this Government; and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were, consequently, appointed, to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provisions, a free passage is secured, without limitation of time, to the vessels of the United States, to and from the Black sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople; and the former derives much value, not only from the increased security which, under any circumstances, it would give to the right in question, but from the fact, ascertained in the course of the negotiation, that, by the construction put upon that treaty by Turkey, the article relating to the passage of the Bosphorus is confined to nations having

treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that empire, and confidence in its friendship towards the United States, have been so long entertained on our part, and so carefully cherished by the present Emperor and his illustrious predecessor, as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings, and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our Minister lately commissioned to that court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege, which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion,—of leaving temporarily his post for the advantage of a more genial climate.

If, as it is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg, and resume the discharge of his official duties. I have received the most satisfactory assurance that, in the mean time, the public interests in that quarter will be preserved from prejudice, by the intercourse which he will continue, through the Secretary of Legation, with the Russian cabinet.

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was, in the month of March last, concluded between the United States and Denmark, by which $650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the Board of Commissioners to distribute the indemnity amongst the claimants. It is an agreeable circumstance in this adjustment, that its terms are in conformity with the previously ascertained views of the claimants themselves; thus removing all pretence for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted, have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression; and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all; ever ready to fulfil our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by; and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are, our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries, which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that republic; and, finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our Minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions, to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities; and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it in my power, yet, to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation, has been taken; and I do not allow myself to doubt that justice will soon be done to us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice, make an earnest prosecution of them by this Government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed; and whatever distinctions may have heretofore been set up in regard to the liability of the existing Government, it is quite clear that such considerations cannot now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements; but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment, not only a firm and cordial friendship, but a progressive development of all their relations, may be expected. It is, therefore, my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation, is alike warranted by the character of the French people, and by the high voucher we possess for the enlarged views and pure integrity of the monarch who now presides over their councils; and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that Government, by our Minister there, with much force and propriety; and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator, have all been taken in the same liberal and friendly spirit which characterised those before announced. Recent events have doubtless served to delay the decision, but our Minister at the court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting change has been effected in our relations with the neighboring republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition, which it became my painful duty to advert to on a former occasion, have been, I believe, entirely removed; and the Government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is, the establishment of friendship and mutual confidence. Such are the assurances which I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which, I am persuaded, are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear, in the course of the last summer, that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which has hitherto been under our jurisdiction. The co-operation of the representative of Mexico near this Government was asked on the occasion, and was readily afforded. Instructions and advice have been given to the Governor of Arkansas and the officers in command in the adjoining Mexican State, by which, it is hoped, the quiet of that frontier will be preserved, until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non-arrival of the ratification of that Government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria; and, in the mean time, the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session, two bills, the one entitled "An act for making appropriation for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and the other, "An act to authorize a subscription for stock in the Louisville and Portland Canal Company," were submitted for my approval. It was not possible, within the time allowed me, before the close of the session, to give these bills the consideration which was due to their character and importance; and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the Houses in which they respectively originated, with the reasons which, after mature deliberation, compel me to withhold my approval.

The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers, within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.

As our foreign commerce increased, and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand-bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law, were authorised upon the same principle, and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate, is very probable. The circumstances under which they are incurred are well calculated to lead to such a result, unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money too frequently, it is to be feared, invite appropriations for objects of this character that are neither necessary nor useful. The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more, of various descriptions. From representations upon the subject which are understood to be entitled to respect, I am induced to believe that there has not only been great improvidence in the past expenditures of the Government upon these objects, but that the security of navigation has, in some instances, been diminished by the multiplication of light-houses, and consequent change of lights, upon the coast. It is in this, as in other respects, our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But, in the discharge of that duty in this particular, it must not be forgotten that, in relation to our foreign commerce, the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable, that whatever gives facility and security to navigation, cheapens imports; and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise, they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime State. Local expenditures have not, of themselves, a correspondent operation.

From a bill making *direct* appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character, which I cannot approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations, I mean not to include a practice which has obtained to some extent, and to which I have, in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment of tolls, or any imposition of that character. The practice of thus mingling the concerns of the Government with those of the

States or of individuals, is inconsistent with the object of its institution, and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this Government, by consolidating into one the General and State Governments, which were intended to be kept forever distinct. I cannot perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the Government in private companies is subordinate to that of individuals, the management and control of a portion of the public funds is delegated to an authority unknown to the Constitution, and beyond the supervision of our constituents: if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest, or an alienation of the affections and respect of portions of the people, may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these cannot be great from a limited and small number of investments: because experience in other matters teaches us, and we are not at liberty to disregard its admonitions, that, unless an entire stop be put to them, it will soon be impossible to prevent their accumulation, until they are spread over the whole country, and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

This mode of aiding such works is, also, in its nature, deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a Government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object, when the first erroneous step has been taken by instituting a partnership between the Government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the time regarded as the extent of the aid which Government was to render to that work; and the accompanying bill for light-houses, &c. contains an appropriation for a survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage to the river, and render the canal entirely useless. To such improvidence

is the course of legislation subject, in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville Road Companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within a State, or to appropriate money for improvements of a local character. I, at the same time, intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon, and so long acquiesced in by the Federal and State Governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage; but that it was, nevertheless, highly expedient that appropriations, even of that character, should, with the exception made at the time, be deferred until the national debt is paid, and that, in the mean while, some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me; and were, I readily admit, intended to awaken the attention, and draw forth the opinions and observations, of our constituents, upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily, in the discharge of my official duties, be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy; but, making full allowances on that account, I cannot, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration; and if it were otherwise, our course should be the same; for the time is yet, I hope, far distant, when those entrusted with power to be exercised for the good of the whole, will consider it either honest or wise to purchase local favor at the sacrifice of principle and the general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their unconstitutionality. That this right should not be exercised on slight occasions, all will admit. It is only in matters of deep

interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors; and by the persuasion, too, that, whatever liberal institutions may have to fear from the encroachments of Executive power, which has been every where the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent; and thus excludes the operation of personal interests, every where the bane of official trust. I derive, too, no small degree of satisfaction from the reflection, that, if I have mistaken the interests and wishes of the people, the Constitution affords the means of soon redressing the error, by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the mean time, the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied to different objects to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule, for the operations of the Government in this matter, than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as it relates to the general prosperity of the country, but to the safety of the federal system; I cannot avoid repeating my earnest hope that all good citizens, who take a proper interest in the success and harmony of our admirable political institutions; and who are incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition—will, laying aside minor considerations, and discarding local prejudices, unite their honest exertions to establish some fixed general principle, which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general ground of my objection to local appropriations has been heretofore expressed; and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the State sovereignties, as far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system; and to which we must alone look for its future stability.

That there are diversities in the interests of the different States which compose this extensive confederacy, must be admitted. Those diversities, arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, greatly exaggerated by jealousies, and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are entrusted with the management of its affairs to neutralise their effects as far as practicable, by making the beneficial operation of the Federal Government as equal and equitable among

the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts, to see how far the past acts of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upwards of five millions of dollars, and have been distributed in very unequal proportions amongst the States. The estimated expense of works of which surveys have been made, together with that of others projected and partially surveyed, amounts to more than ninety-six millions of dollars.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the funds amongst the several States, is not to be conceded. The want of this equitable distribution cannot fail to prove a prolific source of irritation amongst the States.

We have it constantly before our eyes, that professions of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of that character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times, have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibition of public sentiment has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the treasury after the national debt shall have been paid, among the States, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d, that the mode proposed would lead to the construction of works of a local nature, to the exclu-

sion of such as are general, and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence, on the part of the State Governments, upon the federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient, and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution, proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, it be deemed politic and just to give it that character, have regard to several.

In my first message, I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall, at any time hereafter, decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by the agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens, in intelligence, and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens; and as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of Government, can no where be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest in relation to improvement within such States. But, if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct, to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule, that such improvements as serve to increase the prosperity of the respective

States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength, as well as the true glory, of the confederacy is mainly founded on the prosperity and power of the several independent sovereignties of which it is composed, and the certainty with which they can be brought into successful, active co-operation, through the agency of the Federal Government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs, that schemes of internal improvement have, from time to time, been proposed, which, from their extent and seeming magnificence, were regarded as of national concernment; but which, upon fuller consideration and further experience, would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty; and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the State Legislatures, in which every part of each State is immediately represented, cannot, I think, be doubted. In the new States particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the Federal Government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained, than if the funds were placed under the control of the Legislature, in which every county of the State has its own representative. This supposition does not necessarily impugn the motives of such Congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection, its probable effect upon the dignity and independence of the State Governments, it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case, the State would receive its quota of the national revenue for domestic use upon a fixed principle, as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand, the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature, for such allowances out of the national treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State Governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty, affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the Constitution under which we have so long lived, and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome, and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right

was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected, whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the power of man to make a system of government like ours, or any other, operate with precise equality upon States situated like those which compose this confederacy; nor is inequality always injustice. Every State cannot expect to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and cannot be entirely counteracted by human means. Mutual forbearance, therefore, becomes a duty obligatory upon all; and we may, I am confident, count on a cheerful compliance with this high injunction, on the part of our constituents. It is not to be supposed, that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges, which other less favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one, if it be but faithfully adhered to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would forever preserve our Union. Those who cherish and inculcate sentiments like these render a most essential service to their country; whilst those who seek to weaken their influence, are, however conscientious and praiseworthy their intentions, in effect its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were, in good faith, applied to the eradication of causes of local discontent, by the improvement of our institutions, and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country, and the dictates of an enlightened patriotism, will, in the end, lead the public mind in that direction.

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation is, perhaps, the worst that could exist; and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so it is to be hoped that those who disapprove of the past, and dissent from what is proposed for the future, will feel it their duty to direct their attention to it, as they must be sensible that, unless some fixed rule for the action of the Federal Government in this respect is established, the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject—which shall best serve to keep the movements of the Federal Government within the sphere intended by those who modelled and those who adopted it—which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burdens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern, I cannot omit to press again upon your attention that part of the Constitution which regulates the election of President and Vice President. The necessity for its amendment is

made so clear to my mind by the observation of its evils, and by the many able discussions which they have elicited on the floor of Congress and elsewhere, that I should be wanting to my duty were I to withhold another expression of my deep solicitude upon the subject. Our system fortunately contemplates a recurrence to first principles; differing, in this respect, from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other Governments. Our fellow citizens, too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes; yet the habitual presence, or even a single instance of evils which can be clearly traced to an organic defect, will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The Constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny; and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition, we should learn from authority so high the duty of fortifying the points in it which time proves to be exposed, rather than be deterred from approaching them by the suggestions of fear, or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their Chief Magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions, that I was induced to suggest for your consideration the substitute which appeared to me, at the same time, the most likely to correct the evil and to meet the views of our constituents. The most mature reflection since has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character, is unjust to the people; and becomes, when it occurs, a source of embarrassment to the individuals thus brought into power, and a cause of distrust of the representative body. Liable as the confederacy is, from its great extent, to parties founded upon sectional interests, and to a corresponding multiplication of candidates for the Presidency, the tendency of the constitutional reference to the House of Representatives, is, to devolve the election upon that body in almost every instance; and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the Constitution appear far more threatening to the peace and integrity of the Union than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the Legislative and Executive branches of the Government. To secure this object, nothing is more essential than to preserve the former from the temptations of private interest, and, therefore, so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon

the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connexion with an amendment of the Constitution, removing all intermediate agency in the choice of the President, I recommended some restrictions upon the re-eligibility of that officer, and upon the tenure of offices generally The reason still exists; and I renew the recommendation, with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government, and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that his appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people, uncommitted to any other course than the strict line of constitutional duty; and that the securities for this independence may be rendered as strong as the nature of power, and the weakness of its possessor, will admit, I cannot too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress; and it is believed that their example will induce the remaining tribes, also, to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments, on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlement of the whites, it will incalculably strengthen the southwestern frontier, and render the adjacent States strong enough to repel future invasion without remote aid. It will relieve the whole State of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay, which is lessening their numbers; and perhaps cause them gradually, under the protection of the Government, and through the influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits, and make them a happy and prosperous people

I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers, they are not responsible to this Government. As individuals, we may entertain and express our opinions of their acts; but, as a Government, we have as little right to control them as we have to prescribe laws to foreign nations.

With a full understanding of the subject, the Choctaw and Chickasaw tribes have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted for consideration. In negotiating these treaties, they were made to understand their true condition; and they have preferred maintaining their independence in the western forests to submitting to the laws of the States in which they now reside. These treaties being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country; and philanthropy has been long busily employed in devising means to avert it. But its progress has never for a moment been arrested; and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race, and to tread on the graves of extinct nations, excites melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the west, we behold the memorials of a once powerful race, which was exterminated, or has disappeared, to make room for the existing savage tribes. Nor is there any thing in this, which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages, to our extensive republic, studded with cities, towns, and prosperous farms; embellished with all the improvements which art can devise, or industry execute; occupied by more than twelve millions of happy people, and filled with all the blessings of liberty, civilization, and religion!

The present policy of the Government is but a continuation of the same progressive change, by a milder process. The tribes which occupied the countries now constituting the eastern States were annihilated, or have melted away, to make room for the whites. The waves of population and civilization are rolling to the westward; and we now propose to acquire the countries occupied by the red men of the south and west by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged, and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did, or than our children are now doing? To better

their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children, by thousands, yearly leave the land of their birth, to seek new homes in distant regions. Does humanity weep at these painful separations from every thing, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds, and almost thousands of miles, at their own expense, purchase the lands they occupy, and support themselves at their new home from the moment of their arrival. Can it be cruel in this Government, when, by events which it cannot control, the Indian is made discontented in his ancient home, to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers, than it is to our brothers and children? Rightly considered, the policy of the General Government towards the red man is not only liberal but generous. He is unwilling to submit to the laws of the States, and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century—so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our confederacy. With Georgia, there is an express contract; with the new States, an implied one, of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, to form constitutions, and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be co-extensive with their limits, and that, with all convenient despatch, the General Government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the State Governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory, the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. When this is done, the duties of the General Government in relation to the States and Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter, in the least, their personal relations with the State Government. No act of the General Govern-

ment has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess, by virtue of their sovereign power within their own limits, in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and, by a speedy removal, to relieve them from the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation, the condition of our impost revenue deserves special mention, in as much as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case: this indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion, I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts, because they would destroy the whole: others fear to touch the objectionable parts, lest those they approve should be jeoparded. I am persuaded that the advocates of these conflicting views do injustice to the American people, and to their Representatives. The general interest is the interest of each: and my confidence is entire, that, to ensure the adoption of such modifications of the tariff as the general interest requires, it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess, and effects they cannot produce. The effects of the present tariff are doubtless overrated, both in its evils and in its advantages. By one class of reasoners, the reduced price

of cotton and other agricultural products is ascribed wholly to its influence, and by another, the reduced price of manufactured articles. The probability is, that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must, therefore, be deeper and more pervading than the tariff of the United States. It may, in a measure, be attributable to the increased value of the precious metals, produced by a diminution of the supply, and an increase in the demand; while commerce has rapidly extended itself, and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But, on the whole, it is questionable whether the reduction in the price of lands, produce, and manufactures, has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected: of these the productions of our soil, our mines, and our workshops, essential to national defence, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high: it undertakes to protect interests too local and minute to justify a general exaction; and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived, in some of these respects, from the measures of your last session.

The best, as well as fairest mode of determining whether, from any just considerations, a particular interest ought to receive protection, would be to submit the question singly for deliberation. If, after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system, or to purchase support for a different interest—it should enlist in its favor a majority of the Representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them, when that protection forms part of a system by which portions of the country feel, or conceive themselves to be, oppressed. What is incalculably more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities, founded, not on identity of conviction, but on combinations of small minorities, entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution: and that, while an abandonment of the policy in which

it originated—a policy coeval with our Government, and pursued through successive administrations, is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partizan conflicts that are incident to free institutions, is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction, must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I cannot, therefore, on taking leave of the subject, too earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course.

According to the estimates at the Treasury Department, the receipts in the treasury during the present year will amount to twenty-four millions one hundred and sixty-one thousand and eighteen dollars, which will exceed by about three hundred thousand dollars the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditure during the year, exclusive of public debt, is estimated at thirteen millions seven hundred and forty-two thousand three hundred and eleven dollars; and the payment on account of public debt for the same period will have been eleven millions three hundred and fifty-four thousand six hundred and thirty dollars; leaving a balance in the treasury, on the first of January, eighteen hundred and thirty-one, of four millions eight hundred and nineteen thousand seven hundred and eighty-one dollars.

In connexion with the condition of our finances, it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers, and the more punctual payment of the public dues. The revenue cutter service has been organized, and placed on a good footing, and aided by an increase of inspectors at exposed points; and the regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, have produced much improvement in the execution of the laws, and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements, the system of expenditure for sick seamen belonging to the merchant service has been revised; and, by being rendered uniform and economical, the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the Commissioner of the General Land Office, and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests entrusted to the War Department. Some of them were referred to in my former message; and they are presented in detail in the report of the Secretary of War, herewith submitted. I refer you, also, to the report of that officer for a knowledge of the state of the Army, fortifications, arsenals, and Indian affairs; all of which, it will be perceived, have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our

maritime frontier, which are now, or shortly will be, completed, should not be in readiness sooner than the customary appropriations will enable the Department to provide them. This precaution seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the Secretary of the Navy for a highly satisfactory account of the manner in which the concerns of that Department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defence with peculiar care. Separated by wide seas from all those Governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce, and harassing inroads upon our coast, against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the Government has, therefore, been recently directed more to preserving the public vessels already built, and providing materials to be placed in depôt for future use, than to increasing their number. With the aid of Congress, in a few years, the Government will be prepared, in case of emergency, to put afloat a powerful Navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service suggested in my last annual message, which are noticed more in detail in the report of the Secretary of the Navy, are again recommended to your serious attention.

The report of the Postmaster General, in like manner, exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of the Post Office Department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts, improvements have been provided for the southern section of the country, and, at the same time, an annual saving made of upwards of seventy-two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfilment of existing contracts, and in the additional expenses, between the periods of contracting, to meet the demands created by the rapid growth and extension of our flourishing country; yet the satisfactory assurance is given, that the future revenue of the Department will be sufficient to meet its extensive engagements. The system recently introduced, that subjects its receipts and disbursements to strict regulation, has entirely fulfilled its design. It gives full assurance of the punctual transmission, as well as the security of the funds of the Department. The efficiency and industry of its officers, and the ability and energy of contractors, justify an increased confidence in its continued prosperity.

The attention of Congress was called, on a former occasion, to the necessity of such a modification of the office of Attorney General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury; and the earliest measures were taken to give effect to the provisions of

the law which authorized the appointment of that officer, and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the Attorney General's office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing to him, at the same time, such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different Executive Departments to the Attorney General are of frequent occurrence; and the prompt decision of the questions so referred tends much to facilitate the despatch of business in those Departments. The report of the Secretary of the Treasury, hereto appended, shows also a branch of the public service not specifically entrusted to any officer, which might be advantageously committed to the Attorney General.

But, independently of those considerations, this office is now one of daily duty. It was originally organized, and its compensation fixed, with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the Seat of Government, in professional attendance upon the courts, injurious to the public service; and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justness of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the Attorney General, in regard to compensation, on the same footing with the heads of the several Executive Departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed, by the Constitution, under the exclusive jurisdiction and control of Congress, this District is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration, and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac, the same offence is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance, in some cases, to the improvements which have superseded them in those States.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a Delegate to represent the wants of the citizens of this District on the floor of Congress, is not due to them, and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which culti-

vates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress, with the same privileges that are allowed to that of the other Territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation; as one object of which, I beg leave to recal to your attention the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principles involved in the inquiry, whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire, whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposites, without power to make loans or purchase property, which shall remit the funds of the Government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the Bank of the United States, though issuing no paper, would check the issues of the State banks, by taking their notes in deposite, and for exchange, only so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which cannot continue to exist in its present form without occasional collisions with the local authorities, and perpetual apprehensions and discontent on the part of the States and the people.

In conclusion, fellow-citizens, allow me to invoke, in behalf of your deliberations, that spirit of conciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence, the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

ANDREW JACKSON.

TREASURY DEPARTMENT,
November 8, 1830.

The Secretary of the Treasury has the honor to submit for the consideration of the President, the expediency of recommending to Congress that some provision be made for the prosecution of persons who may commit frauds upon the Government. Such frauds are generally attempted under the color of claims arising out of Revolutionary services, and of grants for lands in the territories ceded to the United States by France and Spain. Several of these offenders, emboldened either by success or by a supposed security under the remissness of the Government to punish them, appear to have perpetrated, by perjury and forgery, frauds of a flagitious character. Prosecutions have been commenced in some cases which have been recently detected at this Department, and investigations instituted in others where strong suspicion of fraud is entertained; but these proceedings are found to require not a little time and labor in collecting evidence, corresponding with District Attorneys, and in various duties, as well of agency as those which more properly belong to professional services, which the Treasury Department has no officer to perform who is not otherwise fully employed, even if such a duty could properly be assigned, by regulation, to a subordinate officer. It is owing, as is presumed, to similar difficulties, that prosecutions for such offences have been heretofore but seldom instituted, whereby the evil has increased to a serious extent.

In conclusion, it is respectfully suggested, if it should be deemed advisable to invite the attention of Congress to an enlargement of the functions of the Attorney General, whether this service might not be advantageously assigned to that officer.

REPORT

OF

THE SECRETARY OF WAR.

WAR DEPARTMENT, *1st December*, 1830.

To the PRESIDENT *of the United States:*

SIR: I have the honor to make known to you the operations of this Department during the present year, and to offer such suggestions as appear to me necessary to be presented. The Army, at the different positions it has occupied along our western and southern frontiers, has been engaged in preserving quiet in those quarters, and has fully succeeded. Fears were entertained of a serious rupture with some of our northwestern tribes of Indians; but the presence of a military force, and the exercise of a proper discretion on the part of those to whom the trust of reconciling them was confided, has had the effect to prevent it, and peace has been the consequence. Similar apprehensions have recently been entertained of the Indians who reside on our southwestern boundary, and precautionary steps have been taken to prevent any acts of hostility. The vigilance, intelligence, and discretion of our officers induce a belief that, by their exertions, these distant tribes can be retained at peace with each other. Occasional interruptions have arisen from marauding parties, who range through the forest, and, at points distant from our posts, commit depredations: these acts, in turn, produce retaliation. It is important to prohibit these aggressions, if possible, though no other plan can be suggested than what has already, heretofore, been presented; viz: an authority to employ a detachment of mounted troops. These, ranging through the country at irregular periods, would do much more towards preserving peace with our Indian tribes, and quiet along our borders, than could be effected through any augmentation of our posts.

I regret to say that desertions from the Army are not of less frequent occurrence than heretofore. The number, for the present year, will exceed one thousand. Various efforts have been made, and many theories suggested, to arrest an evil so injurious to the operations and character of an Army. None have succeeded! The benevolent intention of the act of Congress of last winter, which took from the offence the penalty of death, and in obedience to the spirit of which, all past offences of the kind were by you

directed to be forgiven, has had no restraining, no salutary effect. I am not an advocate for the severity of penalties. The hope of reward, more frequently than the fear of punishment, operates beneficially upon mankind. A resort to both might be serviceable. While penalties corresponding to the nature of the offence, might be imposed upon delinquents, the faithful and good soldier should be cheered by the expectation of reward. To this end, an authority to make some reasonable compensation to those who obtain an honorable discharge, should be granted. In conformity to this opinion, I would take occasion to suggest, that, while some adequate penalty be imposed for so gross a violation of duty as that of abandoning a service voluntarily assumed, it may also be provided that the soldier who serves faithfully, and is honorably discharged, shall receive, at the termination of his enlistment, one hundred and twenty dollars. Let him receive, instead of his present pay, four dollars per month, retaining the residue, payable at the end of service. The difference in expense thus created to the Government, for the five years of enlistment, would be but sixty dollars; which increase, it is hoped and believed, will be more than compensated for by a saving in the expenses which are incurred under the present system of restraining desertion. The amount retained should be forfeited, if, at any time, the soldier desert the service. It might operate as a strong incentive to good conduct, and would serve as a fund at the close of his engagement, by which to establish him in some advantageous pursuit. By the present mode, he retires from the Army, dependent and poor as he entered; and often, instead of returning for a time to his family, enters the Army contrary to his inclination, induced only by his poverty and wants. Dissatisfaction takes place, and desertion follows.

Repeated efforts have been made to arrest this growing evil; and they should be continued, so long as there is hope of a remedy. The loss to the service is not so material. The great fear is, that, in peace, the practice may become so frequent and familiar, as in war to lose that odium which should attach to so aggravated an offence.

Recently, by an order from the War Department, the whiskey part of the ration has been taken away, with a view to ascertain how far a theory frequently introduced might be practically productive of benefit. Time has not been afforded to test the experiment; but little confidence is reposed in the attempt. If the plan suggested of giving enlarged compensation to the non-commissioned officers—which every soldier may aspire to be—shall fail to produce a remedy, I know not what other can be attempted with any reasonable prospect of success. In peace, the soldier is not stimulated by that buoyancy, which in war induces him to aspire to promotion through gallantry and good conduct. To be a non-commissioned officer, is all that he can hope for or expect. To place this class of officers on a more advantageous and respectable footing, for the purpose of exciting a spirit of emulation amongst the soldiers, might prove highly serviceable. The subject, being one of importance, is at least worthy of consideration and experiment.

Connected with the Army is the Military Academy at West Point. The beneficial effects which have been produced to the country already, and the more enlarged ones which are in prospect, from this valuable institution, render it matter of importance that it should be maintained upon its

present liberal plan and principles. The educating of two hundred and fifty young gentlemen, selected from every State of the Union, cannot fail to carry with it general advantages and benefits correspondent to the demands it produces on the Treasury. But, apart from this, the education obtained there being of a military character, the benefits diffused through every section of our country cannot but prove highly salutary when it shall again be involved in war. The information which is acquired there is carried to the several States: these young men become officers of militia; and in time, through the means thus afforded, something approaching to uniformity in the discipline of our militia may be expected. The able report of the Board of Examiners at the last commencement, which accompanies this report, will present in detail the progress and advantages of the institution.

By the act of 1818, the President of the United States is authorized to confer upon the graduates of this academy the appointment of brevet lieutenants. Already there are 87 supernumerary officers thus created, who cannot now be provided for in the line of the Army. In June next there will probably be 33 more added, which will produce an excess of 14 over the number authorized. The law prohibits brevet appointments of a greater number than 106—one for each company; of course, upon a reasonable calculation, but few, if any, of the cadets, after June, 1831, will be entitled to a brevet commission. I would respectfully suggest whether some rule different from the present be not necessary to restrict for the future brevet lieutenant appointments, retaining only so many as might supply the probable vacancies which occur within the year. The number of promotions to the Army from this corps, for the last five years, has averaged about 22 annually; while the number of graduates for the same period has been at an average of 40. This excess, which is annually increasing, has placed 87 in waiting until vacancies shall take place, and shows that, in the next year probably, and in the succeeding one certainly, there will be an excess beyond what the existing law authorizes to be commissioned. There will then be 106 supernumerary brevet second lieutenants appurtenant to the Army, at an annual expense to the Government of $80,000.

In the Engineer Department, important operations, as regards the internal improvement of the country, have been in successful progress. The advantages to our commerce from the improvements which have been made in the navigation of the Mississippi and Ohio rivers, have already been sensibly felt; and great good to the community at large is to be anticipated from further efforts. The experiments begun, and in some respects completed, show, that, at an inconsiderable annual expense, the Ohio river may be cleared of its bars and shoals, so as to afford a convenient and safe navigation at those seasons of the year when heretofore it has been considered impracticable.

This subject well merits the attention of the Government. These rivers pass through an immense and fertile region of our country, the products of which contribute essentially to advance our commercial interest. An inconsiderable expenditure from the public Treasury will have the effect to give security to a commerce which at present is carried on at much hazard, and, by diminishing the insurance now required, and preventing losses, speedily reimburse to the community the cost which has been incurred, and the expense which may be required. At present the imports to the west

are mainly along these rivers, and the export trade almost entirely Usually for six months in the year, one of these (the Ohio) ceases to be useful, because of the numerous obstructions, and consequent hazards, which are presented at those times when the waters are materially reduced. The inconvenience and risk thus felt are susceptible of such easy remedy, and at so small an expense, that it becomes matter of surprise that improvements so important and valuable to a large community should have been so long overlooked or neglected. The necessity of improving the navigation of these rivers for commercial purposes, all admit; of the practicability of effecting it, none can doubt. The experiment lately made, through a most difficult obstruction at a place called the Grand Chain, conclusively tests the feasibility of improving other places; and shows that the expense will be inconsiderable. As it regards this branch of the subject, however, it appears to me that the importance and value of the thing to be done, is of infinitely greater consequence than any apprehension of charge which it may occasion to the Treasury.

The breakwater situated at the mouth of the Delaware river is another valuable improvement, which, within the last year, has been rapidly progressing. The work has already risen above the water, and furnished evidence of its importance to our commerce. During the violent gale of last September, several vessels which lay under the protection of this work were preserved. The force of the sea being broken by its opposition, they were enabled to keep at their moorings, and to ride out the gale in safety. Fifteen other vessels in view, not possessing the advantages of this position, were driven on shore, and lost, or gotten off at much expense. A few years will complete this valuable work. The attention it has received since it was placed in charge of the Quartermaster's Department by your direction, and the advantages already derived from it, giveproof of the propriety of its completion, and of the numerous benefits it must afford to commerce. At this heretofore hazardous part of our coast navigation, a security will be afforded, which, in a few years, may occasion a saving of property which will amply compensate for the cost incurred in its construction.

The Ordnance Department is progressing as rapidly as the means afforded will permit, in arming the militia of the States, and in preparing the necessary guns and carriages for garnishing the different fortresses of the country. It is worthy of consideration whether the appropriation applicable to this service should not be increased, so as to provide a suitable armament by the time the different fortifications along the coast shall be completed. For the forts which are finished, a million of dollars will be necessary; but besides these, others are in progress, and will shortly be completed. With the annual appropriation of $100,000 towards this purpose, it will require ten years to accomplish the object for those which are in readiness. Should we be blessed with peace, no injury will arise; but should war take place, the effects upon our country would be of a serious and prejudicial character.

In all the disbursing branches connected with the War Department, I am happy to say that punctuality and fidelity have strictly, and almost without exception, been regarded during the year.

A new era in the history of this country has, within a few years, arisen in relation to Indian affairs. Under the act of 1802, and the practices of the Government resulting therefrom, principles have been introduced, the correctness of which deserves serious consideration. By this act it is pro-

hibited to any one to settle upon Indian lands, or to enter their territory; and, for its execution, the President is authorized and directed to employ the "military force" of the country.

It is worthy of reflection how far this act (as circumstances exist) is to be considered within the pale of the Constitution, and obligatory upon the authorities of the Government. Before the States were members of this Union, they were sovereign. The United States Government can legitimately exercise those rights only with which the States parted under their general compact. To regulate their internal municipal authority is a privilege which has not been surrendered. Amongst those rights is the indisputable one of controlling their citizens, and governing them after their own mode, with this exception, that a republican form of government is to be secured to each. The States, being independent and sovereign within their own limits, can admit no check upon their sovereignty, whether, in its exercise, it affects one citizen or another—the white or the red man. By courtesy, the laws have been withheld from an interference with the Indians within a State; and that which heretofore was mere courtesy is now insisted upon as matter of paramount constitutional right. Surely this cannot be correct according to our notions and system of government; and, if wrong, the act of 1802, from the moment the laws are extended by a State over Indian territory, must cease to be operative. Reciprocity is always fair and just; and hence the law which would make it penal for a white man to tread, unlicensed, upon soil held through Indian occupancy, should equally restrain the Indian from entering upon the domain of the white man. So far as existing treaties operate, the United States possess the power to concede this or any other privilege, because treaties, whether well or ill made, are the supreme law of the land; but they should be such as are permitted to be entered into by the Constitution, and which do not affect the rights of a State beyond what her consent in becoming a member of the Union has sanctioned and authorized. Every thing beyond this is usurpation.

Under the authority confided by you, during last summer, I visited some of the Indian tribes, with a highly valuable auxiliary, General John Coffee, of Alabama, and made known to them their situation. With the Choctaws and Chickasaws, (the only tribes with whom we negotiated,) treaties were concluded. From all appearances, they were well satisfied with their own decision, and the course which we pursued towards them. If any different feeling has since been incited, it is the work of persons who have sought, through the channels of their ignorance, to persuade them to the belief that great injustice has been practised. I undertake to assure you, that, in all we did, the utmost fairness and candor were practised. We sought through persuasion only, to satisfy them that their situation called loudly for serious reflection. Pending the negotiation, no secret meetings were had, no bribes were offered, nor promises made. Every argument adduced, or suggestion offered, was in open council, and in view of those whose rights were to be affected. Of this, abundant evidence exists, whatever may be said to the contrary. There was no motive to impose upon, or to deceive them. Our instructions forbade us to do so, and our inclination, besides, was an ample restraint. The treaties concluded are ready for submission; and how far any practised injustice or want of liberality can be imputed, will be fairly judged of when their tenor and condition shall be disclosed. If a liberality

ample and generous has not been regarded, our wishes have failed, and our judgments been mistaken.

During this period, I witnessed much of Indian character, their progress, refinement, and march towards civilization and can well say, that, in conducting the negotiation, every thing was done to retain them in those pursuits which should tend to their advancement, and to which their situation could reasonably lay claim. Those who so zealously have espoused their cause, and who affect seriously to deplore their condition, are acting upon false premises, or are moved by mistaken considerations of kindness. But, as mankind are found to differ even upon essential matters of faith, and their ultimate results, I can well imagine, that, in reference to such a subject as the present, honest differences of opinion may be expected, and will arise. Yet, before a desire be adopted, earnestly, to retain these people at their present homes, we should be careful not to receive mere impressions for facts, but rather to hear the suggestions of truth and reason. We should look to the red men as they are, and not as oftentimes they are represented to be; to their inaptitude to live under a well regulated system of law, and to the danger and hazard of the experiment. A few of them are well informed men, and capable of enjoying refined society. These are the mixed Indian—the half breed, as they are usually termed. Scarcely any of the others speak our language, or are acquainted with the principles of our Government. Little hope should be entertained, even by those most sanguine on the subject, that any material advances in civilization can be made with the present generation—those, I mean, who are now at maturity in life. Care and attention towards the rising generation may tend greatly to improve, and in time to meliorate, their present condition. To turn them to industry, is of first importance. Labor is never an acceptable pursuit to Indians. In their unimproved state, a fondness for war and the chase, and oratory at their councils, constitute their leading traits, because these afford the highest distinction. When, through the influence of culture and education, their taste upon these subjects shall be changed, and the character of an industrious agriculturist be held in higher estimation than dexterity of pursuit in the chase, then may they be expected to resort to industry, and give attention to the duties of agriculture. Indisposition to manual labor, so peculiarly the characteristic of an Indian, causes him to select the poorest grounds, because of the ease with which the timber is felled and cleared away. The exceptions which exist to this are principally amongst those of mixed Indian blood, whose habits have been improved, and whose minds have been cultivated.

There are three divisions in the Choctaw nation, each of which is governed by a chief, who, within his limits, acts independently of the others. In his government he is aided by minor and subordinate chiefs, called Captains, each of whom acts within his particular district. The people are subordinate to the captains—the captains to the chiefs. One of these divisions composes what is called the Christian District, the chief of which is a man of good mind, with a common English education, and is religious. His people, too, are seemingly pious. Each night, pending the negotiation, until a late hour, they were at their exercises, singing and preaching. From every information, this Christian party, as it is termed, are not accurately and correctly informed as to the principles and faith upon which they

profess to act. A future state of rewards and punishments, for virtues or for crimes, is fashioned by their standard of savage life, and its enjoyments; and, in their imagination, is made to conform to what they conceive to be essential to constitute happiness or misery here. Judging from their devotional conduct, they are, to all appearances, a religious people. Certainly there are some perceptible and beneficial changes amongst them. They have become mostly an agricultural people. The practice of perforating the nose and ears for the purpose of ornamenting them, is rapidly disappearing, and considered a rude custom. Vermillion paint, to ornament and to decorate the face, is, in a great measure, given up. A credulity in supernatural agency, in witches, and in witchcraft, is fast yielding; and the use of ardent spirits, particularly in one of the districts, is in a great measure abandoned A reasonable hope may be entertained, that these people may in time prove that the zeal and efforts of the Government to protect and civilize them, are not improperly bestowed.

In concluding a treaty with these people, candor and fairness were the only means resorted to by the Commissioners. They were given to understand distinctly, that, in coming to visit them at their solicitation, and at their homes, no design was entertained beyond communicating to them a knowledge of their true condition, and submitting to their judgment the course of policy by them to be pursued. We told them the opinion entertained by the Government as to the authority of Mississippi to extend over them her laws; and that the United States possessed not the power to prevent it. The interviews had with them were in open council, where were present the chiefs and warriors, and some of our own citizens. Arguments addressed to their judgments were the means employed. No threat was used; no intimidation attempted. Under these circumstances, a treaty was concluded and signed, more than 5,000 Indians being in attendance at the time. Amongst them was great apparent unanimity. Some did object and were dissatisfied, but not as it regarded the general policy of treating, but because they believed themselves entitled to obtain, and were solicitous to procure large reservations. The number thus influenced was small. Since that time, active efforts have been made in the nation to induce dissatisfaction amongst the Indians, and to persuade them that they had been greatly deceived and imposed upon.

An old chief (Mushulatubbee,) who was favorable to the treaty, by a few of the discontented of his district, has been recently deposed, and the name of another sent to this office to receive recognition. The design is probably to show that the people are displeased because he signed the treaty. The answer returned to their application was, that, while the Government meant not to interfere with their mode or manner of self government, it could not recognize, what had been done by a few; yet, when a chief should be chosen by a majority of the division, and the fact so certified by their General Council, he would be regarded as properly chosen, and be considered as such. An examination of this treaty will clearly show, I think, that justice and liberality have been regarded. The great majority of the nation were satisfied when we left them; and, from information since received, yet continue to be satisfied. Their anxious desire is, to get to a country under the protection of the United States, where they can be free from any liability to State laws, and be able to dwell in peace under their own customs

The Commissioners appointed to further the execution of the treaty of Butte des Morts have discharged the trust confided to them, and have made their report. The misunderstanding between the New York and Green Bay Indians has been examined and adjusted; the Repor to be confirmed, only requires yourapproval, agreeably to the second article of that treaty.

Very respectfully,

JOHN H. EATON.

REPORT

OF

THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT, *6th Dec.* 1830.

The following report of the transactions of the Navy of the United States during the present year, with a view of the several subjects connected with its interests, is respectfully laid before the President of the United States.

The state of the Navy, since the communication made to you in December last, has been, generally, favorable to its active exertions in the important pursuits in which it has been engaged. No distressing casualty or marked calamity has assailed it since the loss of the sloop of war Hornet; information of which lamented event was received prior to the adjournment of the last session of Congress.

The active force employed within the year has not been essentially varied from that kept in service for several years past. This consists of five frigates, ten sloops of war, and four schooners: of these, the most efficient squadron, composed of two frigates and four sloops, has been required to cruize in the Mediterranean sea, where, from the large interest engaged in mercantile adventures to the several States on its coasts, its presence was deemed of most importance. This has continued under the command of Com. Biddle. Two of the vessels composing it have been relieved, their terms of service having expired, and their places supplied by the sloops of war Concord and Boston; the former being first ordered to convey the United States' Minister to Russia, and the latter to take the United States' Consul General to the Barbary Powers.

The state of these vessels has been represented to be, in point of order and preparation for service, every way worthy of approbation, and the discipline exact, without rigor,—promising all required efficiency in its force. Under the command of this able and vigilant officer, all the necessary protection has been given to the trade in that quarter, no case having come to the knowledge of the Department of injuries from piratical attacks; and, with the several States and sovereignties bordering on its coasts, the best understanding has been preserved. This squadron continues to rendezvous at the port of Mahon, in the island of Minorca, a privilege which has been conceded by the Government of Spain, affording great conveniences to the United States' squadrons, especially at seasons when their safety would be endangered by remaining at sea. Here they enjoy a respite from the labors and dangers of the ocean, in a climate mild and favorable to the restoration of the health of their crews, after long and laborious service at sea.

Other changes in the vessels employed in this sea are contemplated during the next year, but the force is not proposed to be diminished; nor, in the present agitated condition of the contiguous States, could this be done, without subjecting the commercial enterprises of the country to the casual-

ties attending a state of warfare, should such be the unhappy result of the present hostile indications in that quarter.

The squadron appointed to cruize on the coasts of Brazil and Buenos Ayres, and the Pacific ocean, has been steadily engaged in guarding the United States' mercantile interests on these coasts. This service has been performed with fidelity and success; and the flag of the Union now gives full security to the merchandise it is authorized to introduce and exchange with the respective countries to which it is carried.

The cessation of hostilities between the States of Chili and Peru and the mother country, and between Brazil and Buenos Ayres, has greatly favored the advances of trade, and diminished the hazards of mercantile adventure with every part of the South American continent. But the unstable and inefficient governments of a part of these States forbid the idea that this can be long enjoyed, without embarrassments and vexatious interruptions, unless it shall be sustained by the presence of an active protecting force. It cannot, consequently, be believed to be consistent with good policy to lessen the efficiency of this force.

Several of the vessels composing these two squadrons will be relieved in the course of the next year, preparation for that purpose being in active progress. It is also contemplated to make some changes in the description of force to be employed on the Atlantic coast of South America, adapting it better for the harbors it is forced to look to for security against the tem pestuous weather so often experienced on these coasts.

In a former communication made to you, it was noticed that the sloop of war Vincennes, commanded by Captain Finch, which had composed one of the squadron in the Pacific ocean, had been directed (after the expiration of the term limited for the cruize on the coasts of Chili and Peru) to touch at the Marquesas, Society, and Sandwich islands; and, after spending the necessary time in looking to the United States' commercial concerns in that quarter, to take Canton, &c., in the way, and thence, by the Cape of Good Hope, pursue the usual route to the United States.

This order has been faithfully executed: the ship has returned in good condition, with its crew well disciplined, and in excellent health.

The particulars of this voyage are given in the Report of Captain Finch. These have a claim to the attention of the public, from the information afforded on many points relating to the character and habits of a people just emerging from a state of simplicity and ignorance, and, from their peculiar locality, necessarily controlling the comforts of the large number of United States' citizens who annually visit them.

The great amount of tonnage and capital employed in the whale fisheries, in the adjoining seas, makes its convenient prosecution a matter of no inconsiderable concern to the nation.

The necessity, also, for repose after the long voyages required by this trade, and the want of supplies for health and convenience, and repairs of the vessels, render these islands places of general rendezvous; and it is consequently of great importance that the most friendly intercourse be maintained with the inhabitants. Captain Finch, by his judicious and conciliatory deportment, has probably secured a long continuance of kindly treatment to his countrymen from these people, and has added greatly to the prospects of a successful termination of their enterprises.

Some extracts from this report are herewith transmitted, marked A.

The squadron which has been maintained in the West Indies and Gulf of

Mexico consists, at present, of four sloops of war and three schooners, under the command of Commodore Elliott. Several changes have been made in the vessels employed on this station, in consequence of the expiration of the terms of service of the crews, or the want of repairs of the vessels. No causes are supposed to exist making it necessary to add to this force; nor can it be safely diminished, though the energy and activity with which it has guarded the United States' trade, may be said, for the present, effectually to have suppressed piratical aggression.

The great facilities afforded by the inlets and harbors of the islands in the Mexican gulf for the resort and concealment of the vessels engaged in the commission of piracies; the class of population with which these islands abound, composed of refugees and outlaws, escaped from the punishment due for crimes committed in other countries, give advantages for piratical enterprises scarcely known in any other quarter of the globe. Nothing short of the exertion of positive and continued force can be expected to keep these marauders in check, and give the desired security to trade.

The invasion, which took place during the last year, of the territories of the Mexican States, by an armament from the island of Cuba, having given ground for apprehension that the United States' trade to these States might suffer from the pretexts afforded by this state of conflict between the two countries, an act was passed at the last session of Congress authorizing the employment of some additional force upon that station. In conformity to the provisions of that act, the frigate Brandywine, under the command of Captain Ballard, was equipped and despatched for that coast, and continued for several months to cruize in its vicinity. Whatever danger might have threatened the trade in that quarter, has been effectually parried by the means taken for its protection; and this ship, after returning to the United States for necessary refitments, has since sailed to join the Mediterranean squadron and relieve the frigate Java.

It is believed that great advantages might be derived from changing, to a certain extent, the description of naval force employed in the West Indies, especially for the suppression of piracy.

The proposed change would consist of the substitution of three schooners in lieu of one of the sloops of war now employed in that service.

Vessels of this force would be fully able to cope with and capture any piratical cruizer which might be expected to be encountered on this station; and they would possess the greater advantage of multiplying, by the increased number of the squadron, the chances of discovering the enemy, while their structure and inferior size would diminish the risk of being known in their approaches. Their lighter draft of water would favor the pursuit into the obscure recesses and haunts of these cruizers, and give the important facility of entering many of the harbors on the Mexican gulf, for security against the frequent hurricanes prevailing in tropical climates.

It is respectfully recommended that an appropriation be made for building the proposed number and description of vessels.

The health of the officers and crews of the United States' vessels of war has been generally good, and uninterrupted by the attacks of the epidemic and malignant fevers which are so readily engendered in tropical climates, and which exert such fatal influence on the constitutions of persons not familiarised to a residence in them. This may be ascribed, in some degree, to the improved system of ventilation, and the great neatness observed in the economy of vessels of war, and the adaptation of the diet and dress of the

crews to the temperature of the coasts and countries where their duties are to be performed. The modern discoveries in chemical science have also been resorted to, to preserve the mariner from the attacks of these fatal maladies. Several communications have been received from the Surgical Department of the Navy, by whom experiments on the chloride of lime were ordered to be made, giving the results of their observations on its powers in preventing the generation of such diseases.

From these a few extracts have been taken, and are herewith transmitted, marked B.

These furnish subjects for congratulation to the friends of the improvement of the condition of the seaman's life, and indicate that the period is not remote when a service in the climates of the torrid zone will no longer be the terror of nautical men, but will be performed with as fair a prospect of exemption from disease as is now experienced in the temperate latitudes.

It is to be regretted that an exception to this general healthfulness of the Navy has been experienced in one of the vessels of the West India squadron.

From the communications of Commodore Elliott, it appears that the yellow fever made its appearance on board the sloop of war Peacock some time in the month of June last, and that it continued to harass the crew of that vessel after its return to Pensacola, in September; nor were its attacks intermitted until it had deprived the service of four valuable officers, and of several seamen.

It is worthy of remark, that, on board this vessel, the powerful preventive agent above-mentioned was not used, the surgeon relying, for the preservation of the health of the crew, on the superior cleanliness and well ventilated state of the vessel.

The Commissioners of the Navy Board, interpreting the act making an appropriation for the repairs of vessels in ordinary, and the wear and tear of vessels in commission, as admitting a greater latitude in its application to naval purposes, than, it is believed, was contemplated by the framers of the law, or was admissible by a fair construction of its terms, have caused to be built, out of that fund, a new sloop of war, in the place of the "John Adams," which had been found defective in the model, and otherwise unfit for repair.

This subject was referred to your consideration; and, in conformity to your decision, an order has been issued, requiring that, in future, the application of this fund shall be confined to the repairs of vessels in ordinary, and the wear and tear of vessels in commission; and that no vessels shall be built or rebuilt, unless authorized by a specific appropriation.

The condition of the Navy hospitals at most of the Navy yards in the United States is entirely deficient in the means of giving accommodation to the invalids of the Navy who may be so unfortunate as to require it. At most of these places, the only provision made for their comfort during illness is some temporary shelter or old building, possessing no one of the requisites necessary for this purpose. The mariner who returns after long and faithful service in distant and uncongenial climates, finds no asylum prepared for his reception and recovery from diseases incident to such service, but is compelled to linger out his life in crowded and confined apartments, even less favorable to his restoration than the hold of the vessel from which he has been discharged.

The funds which have accrued from the monthly deductions of the pay of the Navy, and the several appropriations made by Congress, have

been expended in the erection of two magnificent buildings, neither of which has been finished, and but one of them (at Norfolk, Virginia,) is applicable to, or designed for, the accommodation of the sick. For several years to come, there cannot be such an accumulation of Navy hospital capital as will enable the Commissioners of that fund to engage in the construction of other useful and permanent buildings for these objects.

At Pensacola, to the mild and salubrious climate of which the invalids of the Navy look with so much anxiety as a place of refuge and restoration from tropical pestilence, there is no building which will even protect the sufferers from the inclemencies of the weather, much less secure to them the conveniences and comforts which their situation demands.

At New York, and at Charlestown, Massachusetts, the necessary lands have been purchased with the Navy hospital funds for the erection of buildings for the use of the sick, and are in every respect favorably situated for affording the advantages which such establishments should possess.

These sites, in the vicinity of stations which are of so much importance to the Navy, from the number of efficient recruits enlisted at them for its service, remain unimproved, and unprovided with the buildings that are indispensable for the welfare of the invalid.

The laws passed at the last and preceding sessions of Congress for the gradual improvement of the Navy, the protection of the ships in ordinary, and for the preservation of the materials for naval purposes collected at the different Navy yards, have received a due share of the attention of the Department.

The construction of the two dry-docks authorized under the first of these acts, at Boston and Norfolk, is progressing. The one at Boston is now in such a state of advancement as to induce the expectation that it may be brought into operation during the ensuing year, or early in 1832. The completion of these two laborious and expensive works will mark an important advance in the progress of our naval improvements. Repairing the ships of war of the larger classes, hitherto a work of so much labor, expense, and hazard, will, by the conveniences afforded by these docks, be rendered comparatively easy, and may be executed, not only without risk and at far less cost than formerly, but in a manner better securing both the strength and durability of the ship. Paper marked C, annexed, contains information in detail on this subject.

Extensive houses have been prepared for the reception of materials provided under this act, and other buildings are in progress, which will give complete protection to the large stores now deposited at the different yards, and those which are to be delivered under existing contracts.

The necessary examinations required by this act, to determine the practicability and expediency of erecting a marine rail-way at the Navy yard, Pensacola, have been made by one of the United States' Engineers.

The views of this officer on this subject were laid before the Board of Navy Commissioners, and they have expressed the opinion that it is not expedient or proper, under the restrictions and conditions imposed by the act, to cause the construction of this desirable improvement to be attempted.

It is indispensable, however, that some facility should be afforded at this most convenient position for the repairs of the vessels of war engaged in the West India service. It is proposed that a wharf suitable for these purposes should be built, in place of the contemplated rail-way; and the necessary estimates for its erection are in readiness to be transmitted.

Further efforts have been made for the execution of this act as far as it relates to the preservation of the live oak growing on the coasts of the Atlantic and Gulf of Mexico.

By the fourth section of this act, the President is authorized to provide for the preservation of this timber; but it seems to have been intended that the power should be limited to that object. An interpretation of the law has, heretofore, been entertained, extending this power not only to the planting of the acorns, and the cultivation of plantations of young trees, but to the purchase from individuals of lands producing them. The paper accompanying this, marked D, shows the amount which has been expended on these plantations, and the sums which have been paid to individuals for the purchase of tracts of such land.

When it is considered that this timber is the natural product of the coast of the United States from the St. Mary's to the Sabine; that the greater part of this belongs to the United States, and is proposed to be retained with a view to preserving a supply of this important material for the Navy, it can scarcely be necessary for the present to engage in its artificial propagation or culture.

Under an impression that this system is neither expedient, nor in conformity to the intentions of the act, an order has been given to discontinue the works after the expiration of the present year.

But the preservation of this timber is an object of great importance, and should be prosecuted with an active and undeviating purpose.

In aid of those measures which have been heretofore resorted to, a vessel of such draft of water as was adapted to the navigation of the rivers and creeks of the coasts of Florida, and the Gulf of Mexico, has been selected and fitted out, and the command given to a vigilant and enterprising officer of the Navy, who has been required to visit, from time to time, as the seasons or circumstances would permit, every section of these coasts, and to use the utmost efforts to suppress further depredations upon the public interests. Surveyors and agents have also been directed to explore such parts of the coast as abound with the live oak, to designate the boundaries between private and public claims to land, and to mark out such tracts as they may think it most conducive to the public interest should be reserved from sale.

The accompanying report of the Fourth Auditor of the Treasury, marked E, shows the several sums which have been paid in carrying into effect the act of 3d March, 1819, and other acts, making appropriation for supporting and removing certain persons of color from the United States to the coast of Africa. It appears from this statement, that, under authority of these acts, 252 persons of this description have been removed to the settlement provided by the Colonization Society on the coast of Africa; and that there has been expended therefor the sum of two hundred and sixty-four thousand seven hundred and ten dollars.

These several acts appear to have been passed in a spirit of justice and benevolence, to repair, as far as possible, the injuries inflicted by the citizens of the United States upon the defenceless persons who are the subjects of the African slave trade; and the appropriations have been made with a liberality corresponding with the humane intentions of the framers of the laws.

The terms of these acts are sufficiently defined to be readily intelligible. It would seem that the authority given to the President was limited to the support of the negroes or persons of color during their stay in the United States, to their removal to the coast of Africa, and to the delivering of them

to the care of an agent, &c. There is no power expressly vested in the Executive to provide, after such delivery, either for their support or protection. A liberal interpretation of the law might permit some allowance to be made for their maintenance after being landed, until they could find employment by which it might be earned. But this even would be authority from inference only, and should be cautiously exercised.

The practice has been to furnish these persons with provisions for a period of time, after being landed in Africa, varying from six months to one year; to provide them with houses, arms, and ammunition; to pay for the erection of fortifications; for the building of vessels for their use; and, in short, to render all the aids required for the founding and support of a colonial establishment.

This latitudinous interpretation of the law has resulted in the heavy expenditures detailed in the annexed report. Understanding the law in the limited acceptation represented above, it will in future be executed accordingly, and every effort made by the Department to confine the application of this fund within the pale of its provisions.

The term for which the crew of the frigate Java had been enlisted having nearly expired, that vessel has been ordered to return to the United States; in doing which, the commander has been required, in furtherance of the humane policy pursued by the Government, to touch at the settlement at Liberia, and to aid in enforcing the laws which have been enacted for the suppression of the slave trade.

In a communication heretofore made to you, the opinion was expressed, that the number of Navy yards now established and in operation was greater than was required for the present wants of the naval service, and that a part of them were liable to the further objection of inconvenient location, both from their great distance from the ocean, and the deficiency in the depth of water for the larger classes of vessels.

This opinion has not been changed by any information since obtained, or by subsequent consideration of the subject.

Should it, however, become the necessary policy of the Government to make a great addition to its naval force, it is possible they may all be found useful, especially for the repairs of the smaller classes of vessels, and as depôts for materials for the Navy, collected from the contiguous country.

Whatever course may be pursued in relation to these establishments, it is believed to be of the utmost importance to the security and general interests of the Navy that other positions be sought for, possessing greater advantages, and not liable to the objections which have been mentioned.

Few positions on our maritime frontier offer all the requisites for such purposes. But where these are found, it cannot be good policy to neglect the measures necessary to secure the possession and improvement of them.

The advantages believed to be possessed by the Dry Tortugas, in the Gulf of Mexico, for such an establishment, have heretofore been represented to Congress, and it is much to be desired that the opinions of the intelligent naval officers who have recommended this position should be tested by the more minute examinations of Engineers possessing the scientific knowledge necessary for its accurate determination.

Pensacola, as a place of depôt and resort for vessels of war requiring supplies or repairs, has much to recommend it, being contiguous to that part of the United States' coast which, it may be presumed, it will long be necessary should be guarded, particularly by that class of vessels which can safely

enter its harbor, possessing a healthful climate, and the country in its neighborhood abounding with the best materials for the construction of vessels of war. But, as a place of general rendezvous for fleets or squadrons composed of ships of the largest classes, it cannot, in the present state of the entrance into its harbor, be regarded as offering the required facilities.

From a report made by the Department of War to the House of Representatives on the 5th February, 1830, it appears that a survey was made of this harbor during the preceding year, with a view of determining the practicability of deepening the channel of the entrance into this harbor, and thus adapting it to the great purposes of a naval depôt for the United States' Navy.

The result of this survey was entirely favorable to the expectation of success from such an undertaking, and at an expense not estimated to exceed $107,000. Whether the work, if it could be accomplished, would secure a permanent facility of entrance, uninfluenced by the operations of the tides and storms, can only be determined by the experiment. The object, however, is one of deep interest to those sections of the United States embraced within the valley of the Mississippi, as well as to those engaged in conveying their productions to market.

The communication made by the Commissioners of the Navy, dated 19th October, 1829, and addressed to you, with the report on naval affairs, at the commencement of the last session of Congress, afforded some views in relation to the fitness of the harbor of Newport, Rhode Island, or some place in the Narraganset bay, for a naval depôt and rendezvous for the United States' Navy.

From this it appears that the general advantages of this harbor or bay, for such purposes, are, in some respects, superior to any position east of the Chesapeake bay. In addition to the information furnished by this document, it will be found, on reference to the surveys of Captains Evans and Perry, made by order of the Navy Department in 1815 and 1817, that the places referred to combine almost every advantage desirable for such an establishment; especially a facility of ingress and egress, with a sufficient depth of water for ships of the largest classes, and of a capacity to permit the largest fleets to ride within their waters, in security from storms, or obstructions from accumulations of ice; that its proximity to the ocean gives all the advantages of convenient attack or retreat from an enemy; and that, from the number and nature of the channels of entrance and departure, a fleet could not be blockaded within it without an application of force incomparably greater than the one intended to be shut up; and that it is believed to be defensible at an expense far less than that which has been incurred for similar objects. In addition to these important advantages, it is described by the officers above-named as admitting of the entrance of vesssels with the wind blowing from points of the compass during the prevalence of which it would be impossible to make a port in any harbor on the eastern coast of the United States. This peculiar facility might, if the harbor was properly defended, result in the security of a fleet from the attacks of a superior enemy, and affords the strongest inducements to provide for its scientifical survey, and the determination of all the points connected with the subject.

It is respectfully recommended that an appropriation be made, authorizing such survey by the proper Engineers, of the harbor of Newport, or other positions on Narraganset bay, with a view to the selection of a site

offering the greatest number of these advantages, and susceptible of defence at the least expense to the nation.

Some difference of opinion having taken place between the Commissioners of Navy yards, who were appointed to examine the sites at the Navy yard in Brooklyn and Governor's island, to determine which of the two positions was more eligible for a naval depôt and building yard, no selection had been made for the buildings which were required for the several purposes of the establishment. This yard had consequently remained unimproved, to the great injury of the store of materials which had been collected there, as well as the general operations of building and repairing.

The subject having been referred to your consideration, and all the documents explaining the relative advantages of the two sites having been laid before you, it has, in conformity with your opinion, been ordered that the timber-houses shall be erected at the old establishment at Brooklyn, until further surveys can be made, affording such minute information as will justify a final disposition of the subject.

The papers herewith transmitted, marked F, furnish statements communicated by the Board of Navy Commissioners.

No. 1 shows the number of vessels of war in ordinary at the different stations, their present condition, and the progress which has been made in protecting them from the effects of the weather, and the expense which must be incurred for their thorough repair.

No. 2 shows that there are now on the stocks, well protected from the weather, and in a very advanced stage of preparation, five ships of the line and seven frigates. These can be readily finished and put in commission, whenever the exigencies of the service may demand an increase of the naval force.

An important circumstance attending this condition of the vessels alluded to, is, that they may be retained for any length of time in their present situation, without material injury from any cause of decay, and that this is effected at an expense scarcely worth estimating.

No. 3 exhibits the measures taken for the protection of the vessels in ordinary from further decay.

The list marked 4, giving a view of the quantity of materials for the Navy collected at the several places of depôt, shows that, making all due allowance for that portion which has been rendered unfit for use by their long exposure to the weather, there is still remaining a large supply of the most valuable qualities.

The great loss which has been suffered from the causes mentioned above, has made it necessary to urge the adoption of measures to prevent its future occurrence; and instructions have been issued, to provide in time the necessary houses and timber-sheds, so as to guard against the injurious exposure of the materials to the weather, after they shall have been deposited at the respective Navy yards.

The accompanying extracts of letters, marked G, addressed to the Department by the officers of the Navy, who have had opportunities of witnessing the employment of canvass made from cotton on board their respective vessels, are herewith presented for your consideration.

The results of their observations go far to confirm the favorable anticipations which have been entertained of the value of this kind of canvass. And the opinion may now, with some confidence, be offered, that this article of domestic production will ultimately supersede the necessity for

the importation of foreign hemp, for the manufacture of a large portion of the canvass required for the United States' Navy.

The laws for the government of the Navy are believed to require revision. Under the vague and indeterminate provisions of these laws, it can scarcely happen, that similar degrees of punishment will be awarded for similar degrees of offence.

The tribunals invested with the power of trying persons charged with violations of these laws, may, in many cases, (if the party has been found guilty,) sentence the offender to suffer the severest penalties of the law, or dismiss him with the mere nominal punishment of reprimand—the words of the law, in several of its most important articles, being that the offender shall, on conviction, &c., "suffer death, or such other punishment as the court shall adjudge."

Amongst the evils and odious features of the law, as an institution, this very uncertainty has been cited as one justly meriting the opprobrium which has been attached to it; and, pervading, as it does, almost every part of this system, it furnishes, independently of other defects, an urgent motive for a reconsideration of the subject by the National Legislature.

Believing that the usefulness and reputation of the Navy are connected essentially with its obedience to the laws and regulations enacted for its government, the Department has been assiduously engaged in endeavoring to promote their proper observance, and to cause the duties of its officers, especially of its junior members, to be discharged in alternate routine, thus imposing on each a share of the burdens, and giving to all the advantages to be derived from a practical attention to them.

In a communication made to the honorable Chairmen of the Committees of Naval Affairs in the Senate and House of Representatives, on the 16th February last, proposing a peace establishment, some remarks were offered, supporting the opinion that it was just and expedient that an increase in the rank of its officers should constitute a part of the naval system.

While the United States' marine was confined to a few frigates and smaller vessels, no advantage could have been gained, in any point of view, from higher grades in the naval service than that of Captain. But since the great increase in the number and size of the United States' vessels of war, and as occasions arise in the service for their combination into fleets or squadrons, other duties, arduous and responsible, and requiring the possession of superior nautical science and general intelligence, devolve upon their commanders. These higher degrees of qualification for the service, the fruit of long and unremitting devotion to their acquirement, merit a correspondent elevation in professional rank and distinction.

It has been supposed, also, that superior rank has a tendency to secure the enforcement of discipline, inasmuch as the orders of a superior are more readily and faithfully observed than those of one of equal grade.

The increase may certainly obviate some causes of irritation in the intercourse of the officers of the Navy with those of foreign nations, the least powerful of which have higher grades than are known in this service, and universally claim honors and precedence according to their rank. These must either be yielded, or intercourse suspended; and this could not but result injuriously, should it be necessary for the United States' vessels to cooperate with those of other nations in any difficult naval enterprise.

The subject of an increase of the pay of the officers of the Navy has here-

tofore been brought to your consideration; and you are again respectfully referred to the suggestions offered in the report made to you on the 1st December last.

In anticipation that this measure will receive favorable consideration, estimates, founded on the scale of increased compensation proposed at the last session of Congress, are herewith transmitted.

The authority which is given to the Department to make allowances out of the contingent fund to cover the expenses of the officers of the Navy, for various incidental purposes, forms an important item in its duties and powers. The disposition of this large fund is wholly within the control of the Secretary of the Navy, and its application only limited by his sense of justice and expediency.

Without urging that this discretion has, at any time, been improperly or unjustly exercised, it may be said that it unquestionably offers the means of committing great abuses by extravagant grants or allowances to some, while these benefits may be wholly withheld from others.

As far as it is practicable, these allowances, now contingent, should be specifically designated, securing, without the abuse of the fund, a just return to the parties for the sums necessarily expended for such incidental purposes.

This, in many cases, may be effected by legislative enactments, particularly as relates to travelling expenses, attendance on courts martial, either as members or witnesses, the pay of Judge Advocates, and to officers engaged on extra duty beyond the limits of their stations, &c.

In the absence of precise legal provision on these points, the allowances in future will be confined strictly to the sums believed to be necessary to meet the expenses of officers so employed.

In the report made to the honorable the Chairman of the Committee on Naval Affairs in the House of Representatives, on the 21st of January last, a recommendation was offered, proposing some modification in the powers and duties of the Board of Commissioners of the Navy.

The Department has not found cause to change the opinion then expressed, that a division of the duties of the Navy Board would have a tendency to secure the discharge of its various duties more for the public benefit; that it would especially favor this, by directing "the undivided attention of the officer to the class of duties which may be confided to his management;" "that this exclusive devotion of his time and talents to a single train of services would enable him to attain a more intimate knowledge of their interests," to adopt a better system for their execution; and "that it would secure a stronger individual responsibility for their faithful discharge."

The considerations enumerated above offer their own recommendation; and being in concurrence with the sentiments of the Board itself, a body which from experience has derived the means of forming correct opinions on the subject, it may be fairly presumed that the adoption of the measure will result in much public utility.

The documents marked H, I, K, show the number of deaths, dismissals, and resignations, which have occurred within the present year.

The estimates for the year 1831 are herewith transmitted, marked L.

The appropriations for the present year have been found more than sufficient for its current expenditures; and there will remain of them an unexpended balance, probably exceeding one million of dollars.

It has been doubted by many able and observant officers of the Navy

whether the marine corps, as constituting a part of the naval force, might not be dispensed with, without materially diminishing its efficiency. On this point, the opinions of many of the superior officers of the Navy were called for, and presented to the honorable Chairman of the Committee on Naval Affairs of the Senate, during the last session of Congress. These, it appeared, were by no means in accordance with each other; and this diversity of sentiment amongst persons best qualified to determine the question has induced the Department to withhold any recommendation on the subject.

The laws authorizing the establishment of this corps provide that it shall be governed by the "same rules and articles of war as are prescribed for the military establishment of the United States, according to the nature of the service in which it shall be employed," &c. Under this provision, it has been determined that marines, while serving at Navy yards, shall be governed by military regulation. By this decision, two systems of discipline are brought into operation on persons employed on duty at the same establishment. The inconveniences of such an arrangement, must be apparent. The perfect preservation of good order at the Navy yards demands that the commander should have the exclusive government of all persons employed in service within the limits of his command.

As a measure tending to give reputation and efficiency to the Navy, the cultivation of the minds of those who are to compose its active members is a subject of great national interest. It is a fact which will not be questioned, that the early education of the officers of the Navy is entirely unequal to the character they have subsequently to sustain.

Few appointments under the Government involve a necessity for more general and scientific attainments. As officers of the Navy, they are required to act as judges of the law and evidence, on trials of their brother officers for offences affecting the lives and characters of the accused: as commanders of ships, they should possess not only a practical acquaintance with seamanship, but an accurate knowledge of those branches of mathematics connected with the science of navigation, with astronomy and geography: and, as commanders of fleets or squadrons, they must be well informed on all points of international law, having reference to the rights of neutrals and belligerents, the often recurring question of the rights of blockade, and other interdictions of intercourse between powers standing in this relation to each other; to possess an accurate acquaintance with the modern languages, to enable them to enter into discussions on points of difference which may arise with the representatives of foreign States speaking such foreign language; and it may often happen that the communications can only be advantageously made in the language of the party with whom the subject of dispute may exist. The sons of the wealthy may obtain these advantages from the bounty of their parents; but, without the aid of public instruction, how are the sons of the less affluent to become qualified to command in the naval service?

It may be further remarked, that, while a school, on the most liberal and comprehensive plan of instruction, has been provided for the military talent of the country, and has been endowed with every attribute for the advancement of the education of the youth who aspire to a share in the toils or honors of a military life, the only provision which has been authorized by law for the instruction of the midshipmen in the Navy is to be found in the allowance of $25 per month to the schoolmasters retained on board the larger vessels of war.

The reports on the concerns of the Navy hospital and Navy pension funds will be transmitted as soon as the accounts of the several Agents are received. The remoteness of the residence of some of the Agents of the pension fund makes it difficult and inconvenient to obtain complete statements of their transactions to be rendered within the time prescribed by the act of 23d April, 1800.

In presenting views of the policy which it may be for the public interest should be pursued in reference to the naval establishment, it may be observed that the rapid increase of the population and general resources of the nation, which has already taken place, and is daily advancing, leaves little to be dreaded from invasions of its territory by an external foe, detached as it is from the great warlike powers of the world.

It will be on the ocean, and in the transit of its mercantile enterprise to distant markets, that the nation may be regarded as most vulnerable; and to this point should its efforts for defence be chiefly directed.

The great expense attending the support of so large a naval force as may be occasionally required to give security to the commercial pursuits of the country, and to protect the accessible portions of the coasts from invasion and attacks of a foreign foe, makes it a matter of leading importance that a system be pursued which shall place the resources of the country in a condition to be readily brought into action whenever the necessity presents itself, without incurring the expense of maintaining such large force when its services are not wanted.

This, doubtless, will be found to be a task of much difficulty. It may, however, it is believed, in some measure be attained by steadily adhering to the course suggested to you in a former communication—to provide for the collection of supplies of all the materials for the construction of a Navy, which require much time to put them in a condition for use, and which can be preserved without material deterioration or decay; to the preparation of these by seasoning and other processes, and the preservation of them after being so prepared, until required to be used; to retain no more vessels of war in commission than are required for the immediate wants of the service, and to cause those which it may be judged proper should be built to be reserved on the stocks, properly sheltered, until their services are called for by the national wants; to provide for the effectual repair and preservation of the vessels in ordinary; to appoint to the service no larger number of junior officers than can be kept actively employed, either at sea, at the stations on shore, or in the acquirement of a knowledge of the various branches of their professional education. On this latter point, it may be remarked, that to keep in the pay of the Government a greater number of these officers than can be usefully employed, is not only a prodigal waste of the public money, but a prodigal abuse of the character of the youth of the country. When thus appointed to the Navy, and taken from the guardianship of their natural friends, and thrown, without restraint or occupation, upon society, it can rarely happen that they escape the dissolute and enervating habits incident to a life of idleness and indulgence.

Every day's experience gives confirmation to the opinion, that the worst effects to the moral and professional characters of the Midshipmen of the Navy result from this state of emancipation from parental guardianship, unrestrained by the active discipline of the service to which they nominally belong.

Should the exigencies of the nation demand a sudden increase of the corps, it would be far safer to resort to appointments made for the occasion than to rely upon supernumeraries thus become negligent and insubordinate, and who, if brought into service, would rather tend to weaken than to augment its strength.

Other subjects believed to have a claim to consideration are, the state of the unsettled accounts of the disbursing officers, a general survey of the coasts, harbors, &c The former was brought to your notice during the last session of Congress: the latter, as a measure affording information on the geographical positions of the principal capes and promontories, the depth and direction of the channels of the bays and harbors, &c., is a subject intimately connected with the security and prosperity of the United States' Navy. To these your attention is again respectfully invited.

JOHN BRANCH.

REPORT

OF

THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
30*th November*, 1830.

To the PRESIDENT *of the United States:*

SIR: I have the honor to submit the following report of the transactions, condition, and prospects of this Department.

The expenditures of the Department, for the year commencing with the 1st of July, 1827, and extending to the 1st of July, 1828, were		$1,623,893 80
The receipts, being the amount of postages returned for the same period, were		1,598,877 95
Showing an excess of expenditure beyond the revenue, for that year, of		25,015 85
The expenditures, from the 1st of July, 1828, to the 1st of July, 1829, were		1,782,132 57
The amount of postages returned for the same period, was		1,707,418 42
Showing an excess of expenditure, for that year, of		74,714 15
The total expenditures from the 1st of July, 1829, to the 1st of July, 1830, were		1,932,707 95
To wit: for compensation to postmasters,	595,234 93	
transportation of the mail,	1,274,009 98	
incidental expenses,	63,463 04	
The amount of postages returned for the same period, was		1,850,583 10
Exhibiting an excess of expenditure beyond the revenue, for this last year, of		82,124 85

This deficit of the current receipts of the last year to meet the expenditures of the Department, it will be observed, has not increased, above that of the preceding year, in so great a ratio as that of the preceding year increased beyond the deficit of the year anterior to the 1st of July, 1828. The inference deduced from this fact, as well as the increasing prosperity of the Department, will be shown more distinctly in an exhibit of the receipts and expenditures of the Department, by half years, for the two preceding years. Thus the regular increase of the revenue of the Department will sufficiently demonstrate its ability, by its future receipts, to fulfil its exten-

sive engagements, should no considerable charges be created, for a few years more, in addition to those incident to the present establishment.

The expenditures for the latter half of the year 1828, were	$851,190 96
The receipts for the same period, - - - -	826,255 36
Excess of expenditure, - - -	24,935 60
The expenditures of the first half year of 1829, were,	930,941 61
The receipts, - - - - - -	881,163 06
Excess of expenditure, - -	49,778 55
The expenditures of the second half year of 1829, were -	948,366 74
The receipts, - - - - - -	892,827 60
Excess of expenditure for that half year	55,539 14
The expenditures of the first half year of 1830, were, -	984,341 21
The receipts, - - - - - -	957,755 50
Excess for the last half year, - -	26,585 71

(It should be noted that the excess of this last half year would have appeared, as it actually was, but $17,019 16, had not a portion of the current expenditures that were made in the preceeding year been entered in the accounts of the first half of the present year.)

The whole amount of postages from the 1st of July, 1829, to the 1st of July of the present year, as presented in the foregoing statement, is - - - -	$1,850,583 10
The amount of postage from the 1st of July, 1828, to the 1st of July, 1829, was - - - - -	1,707,418 42
Giving an increase in this one year, of -	143,164 68
The amount of available funds at the disposal of the Department on the 1st of July, 1829, was reported to be -	230,849 07
Deduct the excess of expenditure for the last year - -	82,124 85
Leaves this amount of surplus - -	148,724 22

The system of financial operations, as mentioned in my report of the last year, has fulfilled all the anticipations of its efficiency. The promptitude evinced by the "depositing Postmasters" in general, and the entire certainty of the accounts, both with the banks and those postmasters, exclusive of the security in all these transactions derived to the public from this system, have, in no small degree, contributed to the ability of the Department to meet its extensive demands.

In the several States, improvements in mail facilities have been loudly called for; and, in many instances, the growing population and extending settlements of the country have absolutely required them. In making such improvements, care has been taken so to extend them as to give the greatest possible accommodation at the least expense, and in such a manner as would be most likely to increase the revenue. It is in part owing to these im

provements that the amount of revenue is so much augmented, though they have, at the same time, considerably increased the expenditures of the Department.

Between the 1st of July, 1829, and the 1st of July, 1830, the transportation of the mail was increased, in stages, equal to 745,767 miles a year;
On horseback and in sulkies, - - - 67,104 miles a year;

Making an annual increase of transportation, equal to 812,871 miles a year, beyond the amount of any former period.

The annual transportation of the mail, on the 1st of July last, was about 9,531,577 miles in stages; and the whole yearly transportation in coaches, steamboats, sulkies, and on horseback, amounted, at that period, to about 14,500,000 miles.

The existing contracts for transporting the mail in the southern division, embracing the States of Virginia, North Carolina, South Carolina, Georgia, and the Territory of Florida, will expire with the current year. In the renewal of those contracts, provision has been made for extending stage accommodations over 1,502 miles of post roads, on which the mail has hitherto been carried on horses only, or in sulkies, and on which the annual transportation in stages will, from the 1st of January next, amount to 278,656 miles. The frequency of trips will also be increased on 894 miles of existing stage routes, to the annual increase of 138,358 miles; making, together, an increase of *stage transportation* of the mail, from the 1st of January next, of 417,014 miles a year.

Provision is also made for the more frequent transportation of the mail on different routes, as follows:

Increase of trips on horse routes - - -	31,824	miles a year;
Increase of trips on existing routes, changed from horse to stage routes - - - -	118,456	do.
Increase of trips on stage routes - - -	138,358	do.

Making, together, a total increase of - - 288,638 miles of transportation of mails, in a year, beyond the amount of present transportation in that division, besides the improvement of substituting stages for horse transportation.

Among these improvements are included, a line of stages from Edenton to Washington, N. C.; from Newbern to Wilmington, N. C.; a steamboat line from Wilmington to Smithville; and a line of stages from Smithville, N. C., to Georgetown, S. C.; all of which are to run twice a week each way. These arrangements will complete the regular communication, by steamboats and stages, between Baltimore, Md., and Charleston, S. C., along the sea-board, by way of Norfolk, Va., Elizabeth City, Edenton, Washington, Newbern, Wilmington, and Smithville, N. C., and Georgetown, South Carolina—an accommodation desired alike by the public and the Department.

Provision is also made for expediting the mail on many important routes; among which is the whole route between this place and Fort Mitchell, via Richmond, Va., Raleigh, N. C., Columbia, S. C., and Milledgeville, Ga.; which line will be traversed in two days less time than at present; so that the mail will run from this city to New Orleans in 13 days, after the 1st of January next.

Allowing the average expense of transportation, by horse or sulkey, to be five cents per mile, and by stages to be thirteen cents per mile, which is

about the mean rate paid in the southern division, the value of these improvements, exclusive of the value of increased expedition, will be as follows:

Annual amount of transportation changed from horses to stages, 278,656 miles, at 8 cents per mile, (the mean difference)	$22,292 48
To be added for increased number of trips on the same, amounting, annually, to 118,456 miles, at 5 cents per mile -	5,922 80
Increased number of trips on former stage routes, amounting, annually, to 138,358 miles, at 13 cents per mile - -	17,986 54
Increased number of trips on horse and sulkey routes, amounting, annually, to 31,824 miles, at 5 cents per mile - -	1,591 20
Making the total annual value of the improvements - -	$47,793 02

The contracts have been made for the ensuing four years from the 1st of January next, including all these improvements, at a sum less than the amount now paid for transporting the mails in that division, by $25,047 87

To this sum add the estimated value of the improvements, as before stated, - - - - - - 47,793 02

And the actual saving to the Department in the renewing of the contracts, will amount, annually, to - - - 72,840 89

Besides the very considerable amount gained in the increased expedition of the mails on many routes of great interest to the community, the value of which cannot be well estimated.

In this saving in the expense of the contracts, and the additional revenue which may be anticipated from the improvements they secure, together with the general increase of postages, which is still progressive, will be seen a foundation for the belief which has been expressed, that the current revenue of the Department for the succeeding year will be sufficient for its disbursements.

The rules that have been adopted in relation to the conduct of postmasters, placing the investigation of all official delinquencies under the immediate superintendance of an Assistant, and subjecting them to the strict scrutiny of an able and vigilant officer, has been productive of the happiest results. There are, at the present time, in the United States, 8,401 post offices; and among that number, scattered over the whole Union, it is not possible to prevent disorders, to the great loss of individuals, and sometimes of the Department, without the unremitted and undivided attention of a competent officer. The duties of this branch of the Department, under its present organization, have, however, been so discharged as to secure as great a degree of confidence in the fidelity of its officers, generally, as could have existed in any former period, when the number was comparatively small.

I have the honor to be,
With great respect,
Your very obedient servant,
W. T. BARRY.